

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARTHUR USHERSON,

Plaintiff,

v.

BANDSHELL ARTIST MANAGEMENT,

Defendant.

Docket No. 1:19-cv-6368 (JMF)


SECOND DECLARATION OF BRAD R. NEWBERG IN SUPPORT OF DEFENDANT'S
MOTION FOR SECURITY FOR COSTS AND FEES

I, Brad R. Newberg, declare:

1. I am an attorney licensed to practice in the United States District Court for the Southern District of New York.
2. I am a partner in the Intellectual Property department of McGuireWoods LLP, which represents Defendant Bandshell Artist Management ("Defendant" or "Bandshell").
3. I make this Second declaration in support of Defendant's Reply Memorandum in Support of Bandshell's Motion for Security for Costs and Fees.
4. A true and correct copy of Plaintiff's First Set of Requests for Production of Documents is attached hereto as Exhibit 1.
5. A true and correct copy of Mr. Liebowitz's client's response to a bond motion in *Mango v. Democracy Now! Productions, Inc.*, No. 18-cv-10588 (DLC), (Dkt. 36) 2019 WL 6179065 (S.D.N.Y. May 28, 2019) is attached hereto as Exhibit 2.

6. A true and correct copy of Mr. Liebowitz's client's response to a bond motion in *Rice v. Musee Lingerie, LLC*, No. 18-cv-09130 (AJN), (Dkt. 28) 2019 WL 5963007 (S.D.N.Y. Apr. 24, 2019) is attached hereto as Exhibit 3.
7. A true and correct copy of Mr. Liebowitz's client's response to a bond motion in *Sands v. Bauer Media Group USA, LLC*, No. 17-cv-09215 (LAK), (Dkt. 43) 2018 WL 9988044 (S.D.N.Y. Nov. 30 2018) is attached hereto as Exhibit 4.
8. A true and correct copy of Mr. Liebowitz's client's response to a bond motion in *Lee v. W. Architecture and Landscape Architecture, LLC*, No. 18-cv-5820 (PKC)(CLP) (Dkt. 24) (E.D.N.Y. May 28, 2019) is attached hereto as Exhibit 5.
9. A true and correct copy of this Court's unpublished order unavailable on Westlaw denying plaintiff's Motion for Reconsideration of an order requiring Mr. Liebowitz's client to post a bond in *Sadowski v. JSN Global Media, Inc.*, 18-cv-1392 (LAP) (Dkt. 32) (S.D.N.Y. Dec. 3, 2018) is attached hereto as Exhibit 6.
10. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: December 17, 2019



Brad R. Newberg (#BN1203)

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Second Declaration of Brad R. Newberg with the Clerk of the Court using the CM/ECF system on this 17th day of December, 2019, which constitutes service on Plaintiff, a registered user of the CM/ECF system pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Dated: December 17, 2019

/s/ Brad R. Newberg
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